

Exhibit 1

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<p>1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE EASTERN DISTRICT OF NEW YORK 3 KEITH FISCHER, MICHAEL) O'SULLIVAN, JOHN MOESER, LOUIS) 4 PIA, THOMAS BARDEN, CONSTANCE) MANGAN, and CHARISE JONES,) 5 individually and on behalf of all) others similarly situated,) 6) Plaintiffs,) 7) No. 2:23-cv-2848 -v-) 8) GOVERNMENT EMPLOYEES INSURANCE) 9 COMPANY d/b/a GEICO,)) 10 Defendant.) 11) 12 Wednesday, January 15, 2025 13 Oral videoconference deposition of ALBERT 14 BRUST, held pursuant to Notice via Zoom with all 15 parties participating remotely, commencing at 16 9:00 a.m. Central Time, on the above date, before 17 Andrew R. Pitts, Certified Shorthand Reporter. 18) 19) 20) 21) 22) 23 Andrew R. Pitts, CSR, RPR License No.: 084-4575 24 Esquire Deposition Solutions 25)</p>	<p>1 I N D E X 2 ALBERT BRUST EXAMINATION 3 BY MR. TSONIS 5, 286 BY MR. McALLISTER 278 4 5 E X H I B I T S 6 BRUST DESCRIPTION PAGE 7 Exhibit 1 Compensation Contents, 104 G000028-43 8 9 Exhibit 2 E-mails, G011080-81 148 10 Exhibit 3 E-mails, G011431-432 151 11 Exhibit 4 E-mails, G011598-599 155 12 Exhibit 5 E-mails, G017819-820 161 13 Exhibit 6 7/19/20 e-mail, G017819 163 14 Exhibit 7 E-mails, G012091-92 164 15 Exhibit 8 Performance appraisal, 206 G006735-745 16 17 Exhibit 9 Workday profile, G005126-163 218 (CONFIDENTIAL) 18 19 Exhibit 10 Associate of the Month 236 nomination, G015733-737 20 21 Exhibit 11 Opt-In Plaintiff Responses 244 22 Exhibit 12 Human Resource Associate 261 Handbook, G000191-235 23 24 25</p>
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<p>1 REMOTE APPEARANCES: 2 On behalf of the Plaintiffs: 3 OUTTEN & GOLDEN, LLP 685 Third Avenue - 25th Floor 4 New York, New York 10017 (347) 390-2121 5 Email: jmcallister@outtengolden.com BY: JARRON D. McALLISTER, ESQUIRE 6 7 On behalf of the Defendant GEICO: 8 DUANE MORRIS, LLP 190 South LaSalle Street - Suite 3700 9 Chicago, Illinois 60603-3433 (312) 499-6779 10 Email: gtsonis@duanemorris.com BY: GREGORY TSONIS, ESQUIRE 11 12 13 ALSO PRESENT: 14 BRENT JORDAN, CLVS, Legal Videographer. 15 16 17 18 19 20 21 22 23 24 25</p>	<p>1 (Whereupon, the following proceedings were 2 taken via videoconference.) 3 THE VIDEOGRAPHER: Okay. We are now on the 4 record. The time is 9:02 a.m. Central Time on 5 January 15th, 2025. This begins the videoconference 6 deposition of Albert Brust taken in the matter of 7 Keith Fischer, et al., v. Government Employees 8 Insurance Company, d/b/a Geico. This case is filed in 9 the United States District Court for the Eastern 10 District of New York, Case No. 2:23-CIV-2848. 11 My name is Brent Jordan. I am the 12 certified legal videographer for the day. The court 13 reporter is Andrew Pitts. We are representing Esquire 14 Deposition Solutions. 15 Will Counsel present please identify 16 yourself and state whom you represent. 17 MR. McALLISTER: Good morning. I am Jarron 18 McAllister, and I am an attorney from Outten & Golden 19 and I am representing Mr. Brust today. 20 MR. TSONIS: Gregory Tsonis with Duane 21 Morris, LLP, representing the Defendant Geico. 22 COURT REPORTER: Okay. Mr. Brust -- 23 THE WITNESS: Yeah, Al Brust. I was an 24 employee of Geico. I no longer am. 25 COURT REPORTER: Great. Okay. Sir, please</p>

<p style="text-align: right;">Page 45</p> <p>1 Geico. About a week or two later, we just had a 2 little get-together, like a -- like a going away 3 party, whatever you want to call it, but -- 4 Q. Sure. 5 A. And that was it. 6 Q. Okay. Since that time -- 7 A. That -- I'm sorry? 8 Q. Since that time, have you talked with her 9 at all? 10 A. I don't recall. No, I don't believe 11 I have. 12 Q. Okay. Let me turn now to some basic 13 biographical questions. 14 Are you married, Mr. Brust? 15 A. Yes. 16 Q. How long have you been married? 17 A. Approximately 26 years. 18 Q. And earlier, I know you gave your home 19 address on the record. How long have you lived there? 20 A. Since 1999. 21 Q. Okay. Do you have like a dedicated office 22 in your home? 23 A. Yes. 24 Q. All right. And that -- when you worked for 25 Geico and you worked from home, is that where you</p>	<p style="text-align: right;">Page 47</p> <p>1 BY THE WITNESS: 2 A. No. 3 BY MR. TSONIS: 4 Q. Where did you go to high school? 5 A. Levittown Division, which is in Nassau 6 County, Long Island. 7 Q. When did you graduate? 8 A. 1989. 9 Q. And did you pursue additional education 10 after high school? 11 A. Yes. 12 Q. Where did you go to school? 13 A. I went to New York Institute of Technology, 14 which is in Old Westbury, in Nassau County. 15 Q. Did you receive a degree from there? 16 A. Yes. 17 Q. What was your degree in? 18 A. I have a political science degree, a B.S. 19 in political science. 20 Q. Okay. And what year did you graduate? 21 A. 1993. 22 Q. After that, did -- have you achieved any 23 other degrees or certifications or licenses? 24 A. No. 25 MR. TSONIS: Why don't we take a quick</p>
<p style="text-align: right;">Page 46</p> <p>1 worked from? 2 A. Yes. 3 Q. Do you have children? 4 A. Yes. 5 Q. How many children? 6 A. Two. 7 Q. Approximately how old are they? 8 A. 24 and 22. 9 Q. Okay. I think, given your history as a 10 police officer, this will be very brief, but have you 11 ever been charged with a crime? 12 MR. McALLISTER: Objection. 13 BY THE WITNESS: 14 A. No. 15 BY MR. TSONIS: 16 Q. Have you ever been arrested or convicted of 17 a felony? 18 MR. McALLISTER: Objection. 19 BY THE WITNESS: 20 A. No. 21 BY MR. TSONIS: 22 Q. Have you ever been arrested for or charged 23 with a crime of dishonesty? 24 MR. McALLISTER: Objection. 25</p>	<p style="text-align: right;">Page 48</p> <p>1 break -- I just -- I'm out of coffee -- before 2 I launch into a new session, if that's okay. 3 THE WITNESS: Yeah. 4 MR. McALLISTER: Okay. What time do you 5 want to come back? 6 MR. TSONIS: 11:00, that's fine with me, 7 seven minutes. Is that okay? 8 MR. McALLISTER: So it's going to be 11:05. 9 MR. TSONIS: Oh, sorry. Well, I mean, five 10 to ten minutes. I mean -- 11 MR. McALLISTER: Yeah. 12 MR. TSONIS: -- I'll be back sooner than 13 that, but that's fine. 14 MR. McALLISTER: Yeah, yeah. 15 THE VIDEOGRAPHER: And we'll go off the 16 record at 9:54 a.m. 17 (Whereupon, a break was taken.) 18 THE VIDEOGRAPHER: We are back on the 19 record at 10:06 a.m. 20 BY MR. TSONIS: 21 Q. All right. Mr. Brust, you understand that 22 you're still under oath? 23 A. Yes. 24 Q. Now, earlier, I think you referenced you 25 began to work for Geico in September of 2019?</p>

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1 A. Yes.

2 Q. What was your job title when you began

3 working with Geico?

4 A. Senior field security investigator.

5 Q. Did that job title change at some point?

6 A. I don't believe so, no.

7 Q. Okay. Did your job responsibilities

8 generally change?

9 A. I mean, in the beginning, I handled, you

10 know, a variety of different types of fraud claims,

11 and then approximately about a year or two into

12 working with Geico, I was assigned -- I was

13 investigating thefts, thefts like vehicle thefts. So

14 I was part of the theft team.

15 Q. Okay. And we'll -- we'll get to, I guess

16 the -- the breakout of how things were organized in

17 your office.

18 But I guess just from a general standpoint,

19 how would you describe your job security -- or your

20 job duties and responsibilities as a senior field

21 security investigator?

22 A. I would be assigned cases that were

23 referred by another associate, whether it came from

24 claims or the auto damages adjuster, and we would

25 investigate what their concerns are.

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1 And it could be a variety of, you know, the

2 damage to the car does not fit the facts of the loss,

3 or it could be something as simple as, you know, it

4 was a change in policy, you know, day before the claim

5 was filed, you know. You know, and I would do

6 examination under oaths, and, you know, all this, all

7 my findings were typewritten into a case file folder

8 and submitted when completed.

9 Q. Do you have an understanding as to whether

10 there's a difference between a senior field security

11 investigator and a field security investigator?

12 A. I didn't -- I don't know if there's a

13 difference, so I'm not aware of that.

14 Q. All right. You were hired on as a senior

15 field security investigator; is that right?

16 A. That's correct.

17 Q. Okay. Were there other field security

18 investigators that you worked with?

19 A. I believe we all had the same title.

20 Q. What geographic area did you have?

21 A. I covered Nassau County, Suffolk County,

22 Long Island, and the five boroughs. That would be it.

23 So --

24 Q. Were there -- were there other individuals

25 with the same job title that had the same geographic

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1 area?

2 A. All the investigators that were assigned to

3 Woodbury, we -- from my understanding, we all covered

4 the same area.

5 Q. Okay. Some of those other investigators,

6 though, handled different types of cases typically;

7 would that be right?

8 A. Right.

9 MR. McALLISTER: Objection.

10 BY MR. TSONIS:

11 Q. Okay. So I think you referenced earlier

12 you were on the theft team?

13 A. That's correct.

14 Q. All right. Is it your understanding that

15 investigators that were assigned to the Woodbury and

16 later the Melville office were organized, I guess, by,

17 you know, different teams, for example, a coverage

18 team, right?

19 MR. McALLISTER: Objection.

20 BY THE WITNESS:

21 A. Yes.

22 BY MR. TSONIS:

23 Q. A staged team?

24 A. Yes.

25 MR. McALLISTER: Objection.

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1 BY MR. TSONIS:

2 Q. There was the theft team that you were a

3 part of, right?

4 A. That's correct.

5 Q. And then there was a fourth team; wasn't

6 there?

7 MR. McALLISTER: Objection.

8 BY THE WITNESS:

9 A. A fourth team?

10 BY MR. TSONIS:

11 Q. Was there a fourth team?

12 A. Staged, theft -- I don't recall if there

13 was a fourth team.

14 Q. Okay. I guess the types of cases that

15 people on the staged team investigated differed from

16 the types of cases that you investigated?

17 A. Yes.

18 Q. All right. Does the way that those cases

19 are investigated differ too? For example, you know,

20 do theft cases require more examinations under oath

21 than, you know, coverage cases?

22 A. I don't know if -- I'm not really sure if

23 that's a fair comment. I -- I never really monitored

24 or discussed -- you know, I did not do staged, so I --

25 and I rarely dealt with the staged people. I really

<p style="text-align: right;">Page 109</p> <p>1 the last paragraph above that that starts, "All 2 non-exempt associates"; do you see that? 3 A. Yeah, I see that. 4 Q. Okay. And the first sentence reads, "All 5 non-exempt associates are required to accurately 6 record their hours worked and absences taken." 7 Did I read that right? 8 A. Yes. 9 Q. All right. Now, as a non-exempt associate, 10 you understood that you were required to accurately 11 record your hours worked? 12 A. Yes. 13 Q. All right. And you, as a non-exempt 14 associate, you were also required to accurately record 15 any absences taken? 16 A. Yes. 17 Q. All right. And the second sentence deals 18 with all exempt associates are required to accurately 19 record their absences taken"; do you see that? 20 A. Yes. 21 Q. Now, the following sentence after that 22 says, "A non-exempt associate who feels he/she did not 23 receive pay for all his/her hours worked, and an 24 exempt or salaried non-exempt associate who feels his 25 or her pay incorrectly reflects a deduction for an</p>	<p style="text-align: right;">Page 111</p> <p>1 A. I don't -- I can't recall the specific 2 date, but I have discussed with my supervisor that 3 because of the workload, I'm working through lunch, 4 I'm working after hours, I'm working on the weekends. 5 Q. Which supervisor or supervisors did you 6 make that report to? 7 A. Gerry Cassagne, and towards the end of my 8 time with Geico, I was supervised by Toni D'Agata. 9 Q. Let's focus on Mr. Cassagne for a second. 10 When did you inform Mr. Cassagne of what 11 you just testified to, that you were working 12 additional hours? 13 A. Specific date and time, I'm not going to be 14 able to give you that, but it was, you know, over a 15 period of time where, you know, I would discuss with 16 Gerry that to get my work done, I'm working past the 17 eight hours, and could we get overtime. And he told 18 me he will bring it up at the next meeting with Bill. 19 And then every meeting, it was the same answer, that 20 he can't authorize the overtime. 21 Q. How many instances are you saying that you 22 informed Mr. Cassagne of that? 23 A. I can't -- I mean, it was over a course of 24 years it was discussed. It was -- it was a constant, 25 you know, constantly brought up, and again, Gerry</p>
<p style="text-align: right;">Page 110</p> <p>1 absence should contact his/her supervisor, local human 2 resources manager, or corporate human resources." 3 Do you see that? 4 A. Yes. 5 Q. All right. Now, as a non-exempt associate, 6 did you ever contact your supervisor and explain that 7 you believed that you didn't receive pay for all the 8 hours that you worked? 9 A. I have contacted -- no, so what's the -- 10 can you repeat the question? 11 Q. Yeah. As a non-exempt associate, did you 12 ever contact your supervisor and inform him or her 13 that your pay did not reflect the hours that you 14 worked? 15 A. I have. If I worked past the -- you know, 16 the eight hours and I felt I was entitled, I would 17 ask, but I was told there is no overtime. 18 Q. All right. Mr. Brust, I'm -- I'm asking 19 you a very specific question. 20 A. Right. 21 Q. Did you ever contact your supervisor and 22 inform him or her that you didn't receive pay for all 23 of the hours you worked? 24 A. Yes. 25 Q. When did you contact your supervisor?</p>	<p style="text-align: right;">Page 112</p> <p>1 would say, "Do the best you can." 2 Q. Right. I want to be clear, Mr. Brust. 3 When you're talking about conversations 4 with Jerry Cassagne -- 5 A. Right. 6 Q. -- are you talking about general 7 discussions about workload? 8 A. No, I'm talking about it -- I specifically 9 discussed overtime with Gerry Cassagne on numerous 10 occasions, and I don't particularly know -- you know, 11 I couldn't even tell you if it was -- you know, it 12 could have been two times in a month, it may not be 13 that month, it maybe could be two days in a row, three 14 days in a row. It depends, you know, if the timing of 15 it is right or -- you know, or, you know, it's just it 16 was brought up on a -- I would say on a regular basis. 17 Q. Okay. So your testimony is that you would 18 have discussions with Gerry Cassagne on a regular 19 basis regarding the availability of overtime; is 20 that -- 21 A. Correct. 22 Q. Okay. And what would you say specifically 23 in those conversations with Mr. Cassagne? 24 A. I would ask, "Are we allowed to put in for 25 overtime?" And he, in return, would say, "Don't do</p>

<p style="text-align: right;">Page 113</p> <p>1 anything," something to that, "let me speak to Bill." 2 And then he would get back to me and say, "There is no 3 overtime." 4 Q. So when you would say -- or ask 5 Mr. Cassagne if overtime was available, what 6 specifically would Gerry Cassagne say to you? 7 A. He would say, "Spoke to Bill and he said 8 there's a" -- he's -- he'll ask for it. And, you 9 know, shortly after, we'd get the answer that no 10 overtime. 11 Q. So when you would bring this concern to 12 Mr. Cassagne, you would only request overtime for the 13 work that you currently had? 14 MR. McALLISTER: Objection. 15 BY THE WITNESS: 16 A. I would request it, you know, especially 17 when I was falling behind. I would say, "I need to 18 catch up. Could I get overtime," you know, this day 19 or that day. And he said, "The last I spoke to Bill, 20 there's no overtime." 21 And the other -- there were times, you 22 know, and it wasn't because I asked, again, it was 23 most likely it was because there was like a hurricane 24 or some type of flooding where we would get an e-mail 25 saying, you know, "Starting this date, you will be</p>	<p style="text-align: right;">Page 115</p> <p>1 A. He would stop us from catching cases, but 2 that would be, you know, one day a month, if that. 3 Q. Well, if you reached a certain number of 4 cases assigned during the course of a month, wouldn't 5 Gerry Cassagne have the ability to stop you from 6 catching cases for the remainder of that month? 7 MR. McALLISTER: Objection. 8 BY THE WITNESS: 9 A. Yes. 10 BY MR. TSONIS: 11 Q. Okay. And similarly, he might be able to 12 shift workload to, for example, taking one or more of 13 your cases and giving them to another investigator? 14 MR. McALLISTER: Objection. 15 BY THE WITNESS: 16 A. He would never take cases from me. He 17 would just take me off the catching for the day, which 18 would, in turn, result in the other investigators 19 catching more cases. 20 BY MR. TSONIS: 21 Q. Right. But you didn't have an 22 understanding at any given time of how many cases each 23 investigator was assigned? 24 A. I never paid attention. There was a way to 25 look it up, but I never paid attention to who caught</p>
<p style="text-align: right;">Page 114</p> <p>1 getting flood claims from" -- you know, whatever, 2 whatever hurricane it is, and you -- "you can handle 3 this on overtime." 4 So we would do our regular work, and then 5 you volunteered. So the overtime that we were getting 6 was not even to work on our own cases; it was to work 7 on these additional claims through catastrophe. 8 Q. All right. Is what you're referencing cat 9 pay? 10 A. Correct. Correct. 11 Q. All right. And setting cat pay aside, were 12 there periods of time where overtime was authorized 13 when you worked at SIU? 14 A. Yes. 15 Q. When was that? 16 A. I don't remember, but I -- it didn't last 17 very long. I'm going to say it lasted, you know, 18 maybe a month or two, and then maybe it popped up 19 again. For whatever reason, they said, you know, 20 there's some overtime, but it was very rare. 21 Q. Okay. And we'll get to those periods of 22 time in a moment here, but when you would have these 23 conversations with Gerry Cassagne, would Gerry 24 Cassagne explore alternative ways to help you catch 25 up, for example, stop you from catching cases?</p>	<p style="text-align: right;">Page 116</p> <p>1 what. 2 Q. All right. Being that you were relatively 3 new to Geico, it might be that Gerry Cassagne was 4 advising ow ways that you could be more productive 5 too, right? 6 MR. McALLISTER: Objection. 7 BY THE WITNESS: 8 A. I wouldn't say he advised us. He just -- 9 you know, he just said, "Do the best you can." You 10 know, like, we knew what we had to do, and it had to 11 be done, you know. It was all part of the metrics. 12 So there was no -- there was cutting corners. You had 13 to handle, you know, the cases. 14 THE WITNESS: I'm sorry, I -- could I just 15 let my dog out? 16 MR. TSONIS: Okay. 17 THE WITNESS: You know, I'm at home. 18 I apologize. Okay. I'm sorry. 19 BY MR. TSONIS: 20 Q. Okay. I believe earlier, you testified 21 that some investigators just, you know, worked faster 22 than others, right? 23 MR. McALLISTER: Objection. 24 BY THE WITNESS: 25 A. Yeah, everyone, every investigator has</p>

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1 Q. When did you have that conversation with
2 Toni D'Agata?
3 A. I don't have any record of that. I don't
4 have specific dates, but, I mean, Toni was my
5 supervisor for maybe the last six months of my time
6 with Geico, so, you know -- or around that time, you
7 know, when I left Geico, towards the end, that --
8 Q. How many times did you have that kind of
9 conversation with Toni D'Agata?
10 A. I would -- it wasn't many with her. Again,
11 it was just she wasn't a supervisor very long, but,
12 you know, I -- I do recall in the -- my initial
13 conversation and her taking, you know, over as my
14 supervisor, we discussed it, and I was -- and she was
15 well aware of our complaints.
16 And, again, I -- you know, I've dealt
17 with supers -- you know, I've had supervisors my
18 entire life. Once they know, they don't want to hear
19 it over and over and over. You know, it was known.
20 I did mention it, I would say, you know,
21 approximately about, you know, anywhere between five
22 to ten times in the six months that we just need
23 overtime. We need overtime or work on your own time.
24 Q. What do you mean by or work on your own
25 time?

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1 A. Again, for me to get the job done, and
2 again, your metrics, again, there's always the -- if
3 your metrics aren't to their standards, and again, if
4 they determine it's at the bottom quartile, there's
5 always that risk of getting laid off or not getting
6 raises.
7 So if other people -- and, again, it really
8 has nothing to do with what other people are doing,
9 you know. I did it because I felt it was the right
10 thing to do. Again, as far as me being an
11 investigator, you know, a retired detective, I took a
12 lot of pride in my investigations. I didn't like to
13 do shoddy work, and I -- you know, I did what was
14 necessary. And if I worked on my own time, and in the
15 police department, I mean, we had a cap on overtime,
16 you know. You worked on your own time sometimes, you
17 know. You did the job.
18 Q. Do you have an understanding as to whether
19 overtime was ever approved for any investigator?
20 MR. McALLISTER: Objection.
21 BY THE WITNESS:
22 A. Overtime, I do recall overtime being
23 approved, and I was -- I was very happy. I was -- you
24 know, I was like, "Finally," but it only lasted, like,
25 two weeks. You know? It came and went really fast.

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1 And then there was another time it started again, and
2 that, I think, lasted like maybe three days. It was
3 even less and besides the cat overtime, but that was
4 for cat cases. So now we were catching cat cases and
5 our regular cases, but the overtime was only for the
6 cat cases.
7 BY MR. TSONIS:
8 Q. Right. So let me distinguish for a second.
9 There was a period of time, I think you're
10 testifying, where overtime hours were pre-approved for
11 investigators to use?
12 A. Yes.
13 Q. For example, in or around June of 2020, was
14 there a period of time where every investigator was
15 authorized to use up to ten hours of overtime per
16 workweek?
17 MR. McALLISTER: Objection.
18 BY THE WITNESS:
19 A. I don't have anything to, you know, refresh
20 my recollection as to that. You know, did -- you
21 know, you're referring to June, so I'm going to assume
22 that you have something that -- that -- in that time
23 frame, but I do recall we had, like, ten -- we could
24 do ten hours a week. I do recall that.
25

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1 BY MR. TSONIS:
2 Q. All right. Excuse me. And similarly, do
3 you recall a period in July of 2020 where you -- it
4 was communicated that you could work up to ten hours
5 of overtime per workweek?
6 MR. McALLISTER: Objection.
7 BY THE WITNESS:
8 A. I do -- I do recall another time, if it was
9 July, I don't -- I don't recall what month it was, but
10 I do recall, I stated before you made those comments
11 before June, July, I do recall it was like two
12 separate times, you know, that we were all authorized,
13 but it was not very long.
14 BY MR. TSONIS:
15 Q. Okay. Prior to or setting aside that --
16 that preauthorized overtime, was it your understanding
17 that as an investigator, you could request overtime
18 and needed to have overtime approved before you could
19 work it?
20 A. You were advised to ask your supervisor for
21 overtime before you did it.
22 Q. Okay. So you understood that the policy
23 was if you felt there was a business need for overtime
24 that you could request it from your supervisor?
25 MR. McALLISTER: Objection.

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1 BY THE WITNESS:
2 A. That's correct.
3 BY MR. TSONIS:
4 Q. Okay. If you, for example, you know, got
5 stuck in traffic or had an EUO that ran long, and you
6 worked two extra hours on Monday, one option would be
7 cutting two hours from a different shift, right?
8 A. That, that wasn't really exposed to until,
9 like, the end of my -- I didn't hear about that until,
10 like, maybe my last few months. I forget what they
11 called it, but, like, you could if you worked, like
12 I said, an extra two hours, you could end -- on
13 Thursday, you could work two hours less on Friday.
14 But it wasn't about the -- you know, you
15 didn't -- you -- even if you did work an extra two
16 hours, you wouldn't want to work less than hours on a
17 Friday because you had too much work, you know. It's
18 just -- it was all about time, you know.
19 It -- and, again, you know, have I worked
20 extra in -- no, I wouldn't take two hours less because
21 that actually hurts me in a way because I still have
22 work to do.
23 Q. Right. But you had an understanding, or is
24 your understanding of the concept that, you know, if
25 you work two hours more one day, you can cut two hours

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1 from a subsequent shift, like flexing your time?
2 A. That's what it's called, flex time. Yeah,
3 so flex time, I didn't become aware of that until
4 probably -- it was probably maybe -- maybe my last
5 year in Geico, and I was working two hours every --
6 extra every day, so that means I would have off every
7 Friday if I -- if I did that, you know?
8 So I didn't really pay attention to the
9 flex time. It didn't -- it didn't work for me because
10 I'm working extra so I could do the work. I'm not --
11 I wasn't working extra so I could take a day off.
12 Q. Okay. And going back to the conversation
13 with your supervisors, Toni D'Agata and Gerry
14 Cassagne, you never told them how many hours extra
15 you're working that you're claiming now, right?
16 MR. McALLISTER: Objection.
17 BY THE WITNESS:
18 A. I have told Gerry that I do about two hours
19 every day and on the weekends I would do about two
20 hours on Saturday, two hours on Friday. You know, it
21 was between four to five hours on the weekend. He
22 knew. I definitely told him.
23 BY MR. TSONIS:
24 Q. All right. So you're claiming that you
25 told Gerry Cassagne specifically how much time you

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1 were working and not putting into Workday?
2 MR. McALLISTER: Objection.
3 BY THE WITNESS:
4 A. Yes. Yes.
5 BY MR. TSONIS:
6 Q. And was that time that you're just
7 referencing the amount of time that you spent
8 consistent throughout your time at Geico?
9 MR. McALLISTER: Objection.
10 BY THE WITNESS:
11 A. I will say that it was not every weekend,
12 but I would say most of my weekends were spent working
13 at some point.
14 BY MR. TSONIS:
15 Q. Do you have an understanding of how much
16 time any other investigator spent working on any given
17 workweek?
18 MR. McALLISTER: Objection.
19 BY THE WITNESS:
20 A. I did not have a conversation where
21 I specifically spoke about time, but I was aware that
22 all investigators were at some point -- and, again,
23 not every weekend, but have worked on the -- on the
24 weekends.
25

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1 BY MR. TSONIS:
2 Q. All right. You're making pretty broad
3 statement that all investigators are working on the
4 weekend.
5 So who do you mean by all investigators?
6 A. You know, I don't remember all of them, but
7 I -- like I said, did they work every day weekend?
8 But I know for a fact, and I know you're going to say
9 it's broad, but there wasn't too many of us, and we've
10 had the conversation many times that unless you work
11 on the weekends, you're not going to -- you're not
12 going to be able to keep up.
13 Again, I don't know how much they did, but
14 without a doubt -- and I know, like, it's, you know,
15 nobody -- when you're testifying, they don't like
16 absolutes, but they worked weekends.
17 Did they work as much as me or more or
18 less? I don't -- I don't know. I didn't keep track,
19 but it was a -- it was a complaint from all of us, and
20 I'd be surprised if an investigator said they never
21 worked on the weekend.
22 Q. When you say all, who are you referencing?
23 A. So I would say Maria Munoz, Ted Wendling,
24 Steve Stemmler, Keith Fischer. Who else? Kevin Dux.
25 Tiffany Cummings. I'm trying to think of who else

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1 worked there. I guess I don't remember the rest of
2 the investigators. I'm sorry.
3 Q. So it's your testimony that every single
4 one of those individuals informed you that they were
5 working on the weekend and the number of -- and the
6 amount of time they spent working?
7 MR. McALLISTER: Objection.
8 BY THE WITNESS:
9 A. The people I just mentioned, at some point
10 we did have conversation that we -- we were working
11 weekends, and it's ridiculous, without -- definitely.
12 I mean, I know, again, the absolutes, but I recall
13 having conversations with -- in groups, individually,
14 each individually. You know, and it became a joke.
15 "What did you do this weekend?" Geico. What else?"
16 You know, "What else do I do? Geico." You know?
17 BY MR. TSONIS:
18 Q. Do you have any personal knowledge of
19 conversations those individuals had with their
20 supervisors?
21 MR. McALLISTER: Objection.
22 BY THE WITNESS:
23 A. No.
24 BY MR. TSONIS:
25 Q. Okay. So you have no personal knowledge of

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1 any conversation that those investigators had with
2 their supervisors at any given time?
3 MR. McALLISTER: Objection.
4 BY MR. TSONIS:
5 Q. Is that correct?
6 A. I don't have -- you know, I -- I guess I'd
7 have to even say yeah because we've been in meetings
8 where it's been brought up. So, you know,
9 individually, I don't know what they say, you know, on
10 their one-on-one meetings, but I've been in meetings
11 in Melville where that was the hot topic. So, again,
12 I don't recall who was present that day, who was
13 absent that day, but it wasn't just one meeting.
14 So can I say everybody? No, but we've had
15 meetings, and, you know, the majority of us were
16 always present. So, again, I can't recall, but that
17 was the hot topic at the meetings.
18 I don't know if there's records of
19 meetings. I don't know if -- you know, if they
20 kept -- you know, if the -- notes from meetings, you
21 know, I have no idea, but it was some of those
22 meetings were pretty heated, you know. So --
23 BY MR. TSONIS:
24 Q. The individuals that you're referencing,
25 are those all field investigators?

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1 A. Yes.
2 Q. Do you have any personal knowledge as to
3 the hours worked by desk investigators?
4 MR. McALLISTER: Objection.
5 BY THE WITNESS:
6 A. I -- I didn't know any of them personally.
7 BY MR. TSONIS:
8 Q. Do you have any personal knowledge
9 regarding the hours worked by investigators that
10 worked major case?
11 MR. McALLISTER: Objection.
12 BY THE WITNESS:
13 A. No.
14 BY MR. TSONIS:
15 Q. Are all the investigators that you named on
16 the theft specialty team?
17 MR. McALLISTER: Objection.
18 BY THE WITNESS:
19 A. No.
20 BY MR. TSONIS:
21 Q. Which ones aren't?
22 A. Maria Munoz.
23 Q. What team did she work on?
24 A. The theft team. We were the only two,
25 I think we were the only two theft investigators.

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1 MR. TSONIS: Okay. Why don't we go to
2 lunch.
3 MR. McALLISTER: Sure.
4 THE WITNESS: Okay.
5 MR. TSONIS: Do you want to come back at --
6 THE VIDEOGRAPHER: Okay. We'll go off the
7 record at 12:12 p.m.
8 (Whereupon, a luncheon break was taken.)
9 THE VIDEOGRAPHER: We're back on the record
10 at 1:07 p.m.
11 BY MR. TSONIS:
12 Q. All right. Mr. Brust, do you realize your
13 still under oath?
14 A. Yes, I'm aware.
15 Q. Okay. I'm going to drop in the chat here
16 what I'm going to introduce as Exhibit 2.
17 (Whereupon, Brust Exhibit 2 was presented.)
18 BY MR. TSONIS:
19 Q. If you can download it and open it.
20 A. Okay.
21 Q. In the bottom right-hand corner, you should
22 see a stamp, which --
23 A. Yeah, well, I opened it up, and it appears
24 to be an e-mail.
25 MR. TSONIS: Okay. And for the record, it

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1 is an e-mail bearing Bates label G011080 to 011081.
2 BY MR. TSONIS:
3 Q. So as part of your employment with Geico,
4 you had a Geico e-mail address, right, Mr. Brust?
5 A. Yes.
6 Q. What was that e-mail address, if you
7 remember?
8 A. abrust@geico.com.
9 Q. Okay. And if you scroll down to the second
10 page sort of, this chain is, obviously, at the top are
11 the most recent e-mails and at the bottom is the --
12 the older e-mails.
13 Do you see an e-mail from Gerry Cassagne
14 that's sent Tuesday, December 17th, at 12:57 p.m.?
15 A. Yes.
16 Q. All right. And on the To line in that
17 e-mail, there's a distribution list, it looks like,
18 that's says R2 Gerry Cassagne Section; do you see
19 that?
20 A. Yes.
21 Q. All right. Were you part of region 2?
22 A. Yes, I was.
23 Q. All right. And you would have received an
24 e-mail that was sent to this distribution list, right?
25 A. That's correct.

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1 Q. Okay. And so you see that the -- the title
2 of the e-mail is called Overtime Change?
3 A. Yes.
4 Q. All right. I want to draw your attention
5 to, I guess, the second paragraph there.
6 More specifically, in the second line, do
7 you see the sentence that says, that begins with the
8 word "All" at the end?
9 A. Yes.
10 Q. All right. That says sentence says, "All
11 overtime must be approved in advance, so make sure to
12 obtain approval before it is submitted in Workday."
13 Do you see that?
14 A. Yes, I do.
15 Q. And the following sentence says, "In
16 addition, we will still offer flexibility within the
17 same week if you work extra hours and would like comp
18 time instead," right?
19 A. Yes.
20 Q. Okay. And this was an e-mail that Gerry
21 Cassagne sent to you and other investigators that
22 reported to him?
23 A. Yes.
24 Q. All right. So Gerry Cassagne was informing
25 you and others that overtime had to be approved in

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1 advance?
2 A. Yes.
3 Q. And Gerry Cassagne was informing you and
4 others as of this date that you had the flexibility
5 within the same week to use comp time if you work
6 extra hours?
7 A. Yes.
8 Q. Okay. And this would have been about
9 approximately three months after you started, right?
10 A. Yes.
11 Q. Okay. You could set this aside. Thank
12 you.
13 A. Okay.
14 Q. I'm going to send you another exhibit, what
15 I'm going to mark as Exhibit 2. If you could download
16 that and open it, Mr. Brust.
17 (Whereupon, Brust Exhibit 3 was presented.)
18 BY MR. TSONIS:
19 Q. Let me know when you are ready.
20 A. I am ready.
21 MR. TSONIS: All right. For the record,
22 this is another e-mail chain bearing the Bates label
23 G011431 to 432.
24 BY MR. TSONIS:
25 Q. If you scroll again to the second page, do

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1 you see an e-mail, the initial e-mail in this chain is
2 sent from you to Gerry Cassagne sent June 5th, 2020?
3 A. Yes.
4 Q. And you write to Mr. Cassagne, "Good
5 morning. Overtime starts after a 40 hour work week.
6 So, does that mean to hit 10 hours overtime a week,
7 I need to work 11.25 hours more a week?"
8 Did I read that right?
9 A. Yes.
10 Q. All right. And Gerry Cassagne, if you go
11 to the first page at the bottom, replies, "No, it's
12 just that the first 1.25 is paid at regular time.
13 That is just the rules." Right?
14 A. Let me refer to -- where -- where are we
15 now?
16 Q. At the bottom of the first page of the
17 e-mail.
18 A. Yeah, I see it. I see it, yeah. "No, it's
19 just the first 1.25 is paid at regular time. That's
20 just the rules."
21 Q. Okay. And then you reply to that e-mail at
22 9:22 a.m. Do you see that right above?
23 A. Yes.
24 Q. All right. And you reply to that e-mail,
25 "Thanks. I am doing ok, but I will never refuse

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1 BY MR. TSONIS:
2 Q. Yeah. I mean, for example, I might show
3 present right now, but if I walk away from my computer
4 for ten minutes until it goes to away, it looks like
5 I'm working to you, right?
6 A. Correct.
7 Q. Okay. And similarly, when you see someone
8 is logged in or online, you don't know whether they're
9 actually working any extra hours rather than just
10 flexing their time, right?
11 MR. McALLISTER: Objection.
12 BY THE WITNESS:
13 A. If somebody's online, you're correct, in --
14 in that particular moment, could I say from sitting at
15 my desk whether they are working a day for a day or is
16 it if there are working on their own time or if
17 they're working on overtime? No, I cannot tell.
18 I'm -- I know from conversation.
19 So if some -- if I was told by an
20 investigator, "I worked last night," I would say,
21 "Yeah, I saw you on the computer." That's the only
22 time I would be able to confirm it.
23 BY MR. TSONIS:
24 Q. Okay. But even if an investigator told
25 you, "I worked last night," you wouldn't necessarily

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1 know without more explanation whether that person was
2 flexing their time or working above normal hours,
3 right?
4 MR. McALLISTER: Objection.
5 BY THE WITNESS:
6 A. I was unaware -- I didn't know what flex
7 time was until the very end, so I don't think --
8 again, I can't really -- I'll just say I'll leave it
9 at that. I -- I didn't know much about flex time
10 because -- and when I did, it doesn't help me because
11 I'm working the same hours. I'm just changing the
12 dates.
13 BY MR. TSONIS:
14 Q. I guess just to be clear, my point is if
15 someone tells you, "Yeah, I worked the weekend," you
16 don't know if that person was flexing their hours or
17 working additional hours, right?
18 MR. McALLISTER: Objection.
19 BY THE WITNESS:
20 A. Sometimes I would know because they would
21 mention that, "This is" -- you know, "This is
22 nonsense. I'm tired on working on my own time." We
23 didn't get a -- you -- you wouldn't -- I am not aware
24 of anyone getting overtime on the weekends.
25

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1 BY MR. TSONIS:
2 Q. Are you aware of what overtime was approved
3 to any other investigator?
4 MR. McALLISTER: Objection.
5 BY THE WITNESS:
6 A. No, I don't -- you know, I wouldn't get
7 that e-mail, so I wouldn't know, you know. You know,
8 I didn't -- you know, no, I didn't know when they did
9 overtime, and they -- except for a few times, you
10 know, that there -- you know, I knew when there was
11 overtime, and if there was no overtime and it wasn't
12 authorized and you were, you know, on at 10:00 at
13 night, either you're doing flex time or you're on your
14 own time. Those are the only two choices if there's
15 no overtime.
16 BY MR. TSONIS:
17 Q. Right. But sitting at your computer, you
18 don't know which of those it would be, right?
19 MR. McALLISTER: Objection.
20 BY THE WITNESS:
21 A. Correct.
22 BY MR. TSONIS:
23 Q. Okay. And you don't have any specific
24 knowledge for any specific workweek of the actual
25 hours worked for any other investigator?

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1 MR. McALLISTER: Objection.
2 BY THE WITNESS:
3 A. No.
4 BY MR. TSONIS:
5 Q. All right. You can close this document.
6 Earlier, you mention -- you referenced your
7 metrics with respect to your job; do you recall that?
8 A. Yes.
9 Q. What metrics are you referencing?
10 A. I'm trying to recall. There were time
11 frames you had, I think it was three days to have your
12 background checks completed. You had, I think it was
13 like a -- you know, again, also within three or two to
14 three days that you had to make an attempt or
15 interview the policyholder.
16 You had to touch the case, meaning, review
17 the case every five days. If you did a background
18 check, if you did a TLO or a license plate check, that
19 had to be uploaded into the case folder; if not, it
20 could cause you to -- you know, you can get a
21 downgrade, and if -- you know, if you missed enough,
22 you could fail the -- you know, the audit. You had a
23 case life, and I don't remember exactly, I think it
24 was around 13 days they wanted the case closed.
25 Obviously, if you did a recorded interview,

<p style="text-align: right;">Page 173</p> <p>1 it needed to be uploaded. And there was certain</p> <p>2 wording that you had to use for your opening when the</p> <p>3 case -- your case opening. You had a -- would also</p> <p>4 TIP the case; in other words, you had to, once the</p> <p>5 case was assigned, you had a -- you know, a timeframe</p> <p>6 to when you put your first note in there that you, you</p> <p>7 know, basically acknowledge that you received the case</p> <p>8 and that you reviewed the claim.</p> <p>9 What else was there? You know, there</p> <p>10 was -- you know, and besides the metrics, again, it</p> <p>11 was, you know, if you uploaded a TLO search, and there</p> <p>12 was a Social Security number that wasn't redacted,</p> <p>13 you -- you know, it could be -- it would be a</p> <p>14 downgrade.</p> <p>15 So the metrics, it was a broad -- you know,</p> <p>16 it was broad. It had to do with case handling and --</p> <p>17 and basically protocols, like, all in one. It had to</p> <p>18 do with timing and kind of like the rules, like do</p> <p>19 this, do that, you know. So I was just -- there's a</p> <p>20 lot of stuff I don't -- so that's kind of what</p> <p>21 I remember.</p> <p>22 Q. Okay. As a an associate at Geico, were you</p> <p>23 assigned a performance rating, if you recall, on an</p> <p>24 annual basis?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 175</p> <p>1 So yeah, it's -- the 1 to 5 is your -- you</p> <p>2 know, based on metrics and anything additional that</p> <p>3 your supervisor would find that you basically had</p> <p>4 additional value.</p> <p>5 You know, like -- and I was also trained as</p> <p>6 an event -- you know, I did the event data recorders,</p> <p>7 the EDR. There was only a few of us. So that also</p> <p>8 afforded me maybe like a half a point because I had an</p> <p>9 extra, extra training as opposed to somebody else, you</p> <p>10 know.</p> <p>11 Q. Okay. And were those EDR activities that</p> <p>12 you did, is that something that you would have to do</p> <p>13 for other people's cases?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. Did you volunteer to do the</p> <p>16 electronic data recording downloads?</p> <p>17 A. To -- well, the training came out, and</p> <p>18 I was asked by Gerry Cassagne to go to the training</p> <p>19 and if I would be willing to, you know, do -- do the</p> <p>20 EDR downloads. And, you know, I don't -- I don't turn</p> <p>21 any training down, so I said yes. I think it's a --</p> <p>22 you know, it's a good thing to do.</p> <p>23 And, you know, I got trained, and I was</p> <p>24 responsible of doing the event data recorders for my</p> <p>25 cases and anyone else that needed it, then I would --</p>
<p style="text-align: right;">Page 174</p> <p>1 Q. All right. And does that performance</p> <p>2 rating typically score you somewhere between a 1 and</p> <p>3 a 5?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. Some of the things that you talked</p> <p>6 about here, are those portions of what would be</p> <p>7 considered quality as a performance metric?</p> <p>8 A. Right, the metric, the -- the review from</p> <p>9 1 to 5 was based on the metrics, and then there was</p> <p>10 certain amount of, like -- I believe the supervisors</p> <p>11 had like a discretionary, you know, number. I guess</p> <p>12 they could add a point or take a point away.</p> <p>13 Certain things didn't fit within the</p> <p>14 metrics, certain cases, they were kind of like</p> <p>15 assignments outside your typical assignments that came</p> <p>16 from intake, you know.</p> <p>17 And an example would be there -- I don't</p> <p>18 know if you're in New York, but in New York City in</p> <p>19 Brooklyn, they have a thing called dollar vans. You</p> <p>20 know, like -- you know, I did a whole case on that.</p> <p>21 You know, because of that and the results of that,</p> <p>22 I got additional -- like, I got a prior review, you</p> <p>23 know, because it was considered, you know, a -- you</p> <p>24 know, I don't want to say above and beyond, but extra</p> <p>25 work outside my typical case assignments.</p>	<p style="text-align: right;">Page 176</p> <p>1 it would be referred to me as an assist case.</p> <p>2 Q. Okay. When you first started with Geico,</p> <p>3 do you have an understanding of how case life was</p> <p>4 measured?</p> <p>5 A. Yes, I was told that there is a case life.</p> <p>6 Yes.</p> <p>7 Q. Okay. Did you understand that case life</p> <p>8 was one of the metrics against which your performance</p> <p>9 was measured?</p> <p>10 A. I don't -- I don't know if it was part of</p> <p>11 how they measured our review, but it was monitored, it</p> <p>12 was on the spreadsheet, and if -- I don't remember the</p> <p>13 number. I think it was like 13 days, but if you are</p> <p>14 anywhere like 17, 18, it would be highlighted, and it</p> <p>15 would be reviewed and basically what you'd be told</p> <p>16 is if possible, close it.</p> <p>17 Q. Okay. So case life was a -- to the best of</p> <p>18 your recollection, a metric against which your</p> <p>19 performance was assessed?</p> <p>20 A. Well, I'm not -- again, I'm not 100 percent</p> <p>21 sure that if it was -- it -- if it was -- it was a</p> <p>22 metric, but I don't know if -- I don't remember. I'm</p> <p>23 kind of feeling like it was more the case life fell</p> <p>24 more on the manager, and that was kind of like his</p> <p>25 metric. So if our case life was bad, it actually</p>

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1 you to work overtime to keep up; is that right?

2 A. Yes.

3 Q. And then you estimate from November 21

4 through February 2023 that you were again working

5 about 50 hours a week on average?

6 A. Yes.

7 Q. Okay. And then paragraph 11 sort of recaps

8 the information in the preceding paragraphs and then

9 states after that parentheses that you see in the

10 middle, it says, "In sum, for the periods described

11 above, my best estimate is that I am owed

12 approximately \$137,743.59 in base wages."

13 You see that?

14 A. Yes.

15 Q. And that this amount -- the following

16 sentence says that that amount does not include

17 liquidated damages, which add another \$137,734.53 in

18 damages?

19 A. Yes.

20 Q. And then it says it also doesn't include

21 amounts encompassing fees, costs, or interest?

22 A. Correct.

23 Q. So, I guess, is it accurate to say that as

24 part of your -- you joining this lawsuit, you are

25 seeking at least \$275,000 from Geico?

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1 MR. McALLISTER: Objection.

2 BY THE WITNESS:

3 A. Yes.

4 BY MR. TSONIS:

5 Q. That's what you believe that you should be

6 paid, \$275,000?

7 MR. McALLISTER: Objection.

8 BY THE WITNESS:

9 A. That, I did not do the math on this when

10 I conferred with counsel. This is what was presented

11 to me, and again, that's why they're hired, you know.

12 That's -- you know -- you know, I retained them for

13 them to determine what I'm owed.

14 BY MR. TSONIS:

15 Q. Does \$275,000 exceed the wages that you've

16 earned for the time that you entered into Workday?

17 MR. McALLISTER: Objection.

18 BY THE WITNESS:

19 A. Again, that -- that's -- I mean, I would

20 think that's a -- you know, to be answered by counsel.

21 I mean, I don't know the value of, you know, in a

22 suit, you know, liquidated damages, how they even come

23 up with that number, but, you know, when I reviewed it

24 and discussed it with counsel, that was what they

25 were -- were they felt was a fair estimate.

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1 BY MR. TSONIS:

2 Q. Right. And I recognized you -- you've

3 testified you didn't do the math and you're not

4 familiar with the concept of liquidated damages.

5 I'm asking you as a party to this lawsuit,

6 you are suing Geico, do you feel like you are owed

7 \$275,000 at least?

8 MR. McALLISTER: Objection.

9 BY THE WITNESS:

10 A. Yes.

11 BY MR. TSONIS:

12 Q. Okay. Will you direct your attention to

13 paragraph 12.

14 A. Okay.

15 Q. Do you see that it states that Geico

16 required you to seek approval from your supervisor to

17 submit any hours above 38.75?

18 A. Yes.

19 Q. And then it talks about Gerry Cassagne, and

20 you're -- you're saying that he reiterated to you that

21 hours above 38.75 would not be approved?

22 A. Yes.

23 Q. And then you write, "At various times, my

24 supervisor approved a limited amount of extra hours to

25 allow me to catch up on work. This was limited to

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1 about an hour or two extra hours a week."

2 Do you see that?

3 A. Yes.

4 Q. All right. But earlier, we looked at

5 periods of time in June and July where you could work

6 up to ten hours of overtime a week, right?

7 A. Yes.

8 Q. All right. And, in fact, there was an

9 e-mail that said hey we have extra unused overtime if

10 you want to work even more than that?

11 A. That's correct.

12 Q. Okay. So this statement is inaccurate?

13 MR. McALLISTER: Objection.

14 BY THE WITNESS:

15 A. No, it's accurate. I just didn't recall

16 the other times.

17 BY MR. TSONIS:

18 Q. Well, it says this was limited to about an

19 hour or two extra hours a week?

20 A. Yes.

21 Q. That's not accurate, though, right?

22 MR. McALLISTER: Objection.

23 BY THE WITNESS:

24 A. It's -- it's -- it was more than that, but

25 when I stated that, I didn't recall those, the --

<p style="text-align: right;">Page 253</p> <p>1 I think it was June-July, you know, e-mails. 2 BY MR. TSONIS: 3 Q. Right. I'm -- I guess knowing what we 4 discussed today, you would agree that this statement 5 is no longer accurate, to the best of your 6 recollection? 7 MR. McALLISTER: Objection. 8 BY THE WITNESS: 9 A. I wouldn't say it's not accurate because we 10 were limited overtime, and it -- it was -- that's 11 accurate. It was like an hour or two, but when the -- 12 let's say the gates were open for the ten hours, there 13 wasn't, like, an official e-mail. 14 So, you know, there were times where Gerry 15 said, you know, "I could give you a couple hours a 16 week just to catch up." So it wasn't like an official 17 e-mail. So that's what I recall at that time when 18 I made that statement. 19 BY MR. TSONIS: 20 Q. Okay. So this statement is referencing 21 something other than the pre-approved overtime that 22 was offered in June and July of 2020? 23 A. Right, but this was very limited. This, 24 this didn't happen very often. 25 Q. Okay. How frequently was it that Gerry</p>	<p style="text-align: right;">Page 255</p> <p>1 His response to these complaints was that he was not 2 permitted to improve this overtime work." 3 Did I read that right? 4 A. I -- what paragraph was that? 5 Q. Paragraph 14. 6 A. "In or around" -- yes, okay, and, "I told 7 him about the volume of work" -- right, and on certain 8 times, he did not authorize the overtime. 9 Q. Okay. But this paragraph describes the 10 discussions that you referenced earlier today that you 11 had with Mr. Cassagne? 12 A. Yes. 13 Q. Okay. And so this paragraph is an accurate 14 summary of the discussions that you had with Gerry 15 Cassagne about working off the clock? 16 MR. McALLISTER: Objection. 17 BY THE WITNESS: 18 A. Yes. 19 BY MR. TSONIS: 20 Q. Okay. Paragraph 15 similarly says that 21 throughout your time working with Toni D'Agata, "She 22 held weekly one-on-one meetings with special 23 investigators." And during these meetings, I verbally 24 expressed your dis- -- you verbally expressed your 25 displeasure of working overtime without pay and that</p>
<p style="text-align: right;">Page 254</p> <p>1 Cassagne would tell you that he could give you an 2 extra hour or two to catch up? 3 A. Very limited. I mean, it would -- it 4 wasn't even every month, you know, and if it was, it 5 wouldn't -- it wouldn't be more than probably five 6 hours to the month. So, again, I don't recall, but it 7 was not often, you know. It was not every month. 8 It could be I could go a couple months no 9 overtime, I could have two months in a row with this 10 amount of overtime, you know, I could go five months 11 without overtime. So it was very sporadic, and it all 12 depended on, again, my case load if I was falling 13 behind. So, again, I can't really answer, you know, 14 you know, exactly how many times. 15 Q. Okay. But there were some times where 16 Gerry Cassagne offered you extra hours in a workweek, 17 one or two extra hours? 18 A. Yes. 19 Q. Okay. So if you skip down to paragraph 14, 20 do you see where it says, "In or around the end of 21 2021 and on a few occasions in 2022, I complained 22 verbally to my supervisor, Mr. Cassagne, during our 23 monthly team meetings. I told him about the volume of 24 work we were being assigned and the number of unpaid 25 hours I and my colleagues were working as a result.</p>	<p style="text-align: right;">Page 256</p> <p>1 Ms. D'Agata, though sympathetic to your concerns, told 2 you she was not authorized to approve you "overtime 3 that I was working," or you were working? 4 A. That's accurate. 5 Q. Okay. Are these -- is this the discussions 6 you were referencing with Ms. D'Agata earlier? 7 MR. McALLISTER: Objection. 8 BY THE WITNESS: 9 A. Yes. 10 BY MR. TSONIS: 11 Q. Okay. Apart from what's written here, did 12 you have any other discussions with Ms. D'Agata? 13 MR. McALLISTER: Objection. 14 BY THE WITNESS: 15 A. Regarding overtime? 16 BY MR. TSONIS: 17 Q. Yes. 18 A. It wasn't -- I didn't discuss it every 19 one-on-one meeting, but it was -- it was definitely 20 discussed on different occasions. 21 Q. Okay. So let me just clarify. 22 Did you ever have team meetings where 23 multiple investigators were present with Ms. D'Agata 24 where this came up? 25 A. I don't recall that.</p>

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1 Q. Okay. So the only communication which
2 you -- you're claiming to have raised this with
3 Ms. D'Agata were on one-on-one meetings with her?
4 A. Yeah, I only recall one on one. I do not
5 recall bringing this up on a team meeting.
6 Q. Okay. And do you see here there's no
7 mention of Ms. Greenman?
8 A. Yes.
9 Q. All right. So earlier today, if
10 I understood your testimony correctly, you referenced
11 a conversation with Ms. Greenman; is that right?
12 A. Yes.
13 Q. Regarding overtime, I mean?
14 A. Yes.
15 Q. All right. Here, though, you don't note
16 any conversation with Ms. Greenman?
17 A. No.
18 Q. Okay. Did you approve your own cases, or
19 did Gerry Cassagne approve your cases?
20 A. What do you mean, like approve? Like, when
21 I was finished with the investigation, did he sign off
22 on it?
23 Q. Yes.
24 A. Oh, no. Gerry Cassagne, I submitted them
25 for approval.

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1 Q. And he would go in and review and approve
2 them?
3 A. Yes.
4 Q. Okay. Were you aware that there were other
5 investigators that did not need Gerry Cassagne to
6 approve their cases?
7 MR. McALLISTER: Objection.
8 BY THE WITNESS:
9 A. No.
10 BY MR. TSONIS:
11 Q. Were you aware of any investigators who did
12 not require a supervisor to approve their cases?
13 MR. McALLISTER: Objection.
14 BY THE WITNESS:
15 A. When Gerry Cassagne was around, I would say
16 I'm not aware of that, but after Gerry Cassagne left,
17 there was self-approval where we did sign off on our
18 cases.
19 BY MR. TSONIS:
20 Q. When did that self-approval process start?
21 A. Right before Gerry left, or he might have
22 already left, but it was right around that time, and
23 it turned -- once -- once region 2 was taken away and
24 they restructured, it was around that time.
25 Q. So Gerry Cassagne -- without pulling it up

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1 again, I'll represent to you that the date, that the
2 Managed To date for Gerry Cassagne with regard to
3 supervising you ends on April 26, 2023.
4 So what's your best estimate as to when
5 self-approval would have started?
6 A. I think a more accurate reference would be
7 when region 2 was dismantled and we became -- the
8 oversight came from, I guess, corporate down in
9 Maryland, so whenever that change occurred.
10 Q. Okay.
11 A. And I don't -- I don't recall when it was.
12 It was -- it was -- the self-approval for me was maybe
13 approximately six, seven months. It wasn't --
14 I didn't do it very long.
15 Q. Okay. When the Workday system that
16 required you to sort of, you know, check in and check
17 out on a daily basis using your phone was rolled out,
18 was there any training or anything that accompanied
19 that?
20 A. I wouldn't call it training. It was, you
21 know, a brief discussion on what was needed to be
22 done, and I think, again, most of it was
23 self-explanatory.
24 Q. Did you, like, go into a Woodbury office or
25 a Melville office, or did you have like a Zoom session

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1 that walked through how you would do it?
2 A. I don't recall that.
3 Q. Was there any communication that came along
4 with that new system or new process?
5 A. The only communication was during team
6 meeting that, you know, this is how it needs to be
7 done, and that's -- that's the only thing I really
8 recall. I don't recall any type of pamphlet, manual,
9 or, you know, training video.
10 We were just basically told that we got to
11 enter our hours, and when we're off the clock, sign
12 out, and when we go back in, sign in, make sure at the
13 end of the day you do the e-mail if that was required,
14 and that was really it.
15 Q. All right. I'll drop one more document
16 into the chat here. Actually, you know what,
17 I dropped it into the chat earlier by accident. If
18 you scroll to the top, at the top of the chat, the
19 very first document that states Geico Associated
20 Handbook.
21 A. It's -- I got it, yeah.
22 Q. Yeah. It's the one that, for the record,
23 this --
24 MR. TSONIS: Court Reporter, what exhibit
25 are we on, or Jarrod, if you know?

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1 DEPOSITION ERRATA PAGE
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23 SIGNATURE: _____ DATE: _____
24 ALBERT BRUST
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24 SIGNATURE: _____ DATE: _____
25 ALBERT BRUST

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1 STATE OF ILLINOIS)
) SS:
2 COUNTY OF C O O K)
3
4 I, ANDREW R. PITTS, C.S.R. within and for the
5 County of Cook and State of Illinois, do hereby
6 certify that heretofore, to wit, on Friday the 15th
7 day of January, 2025, personally appeared before me
8 via videoconference, ALBERT BRUST, in a cause now
9 pending and undetermined in the United States District
10 Court, For the Eastern District of New York, wherein
11 KEITH FISCHER, MICHAEL O'SULLIVAN, JOHN MOESER, LOUIS
12 PIA, THOMAS BARDEN, CONSTANCE MANGAN, and CHARISE
13 JONES, individually and on behalf of all others
14 similarly situated are the Plaintiffs, and GOVERNMENT
15 EMPLOYEES INSURANCE COMPANY d/b/a GEICO is the
16 Defendant.
17 I further certify that the said witness was
18 first duly sworn to testify to the truth, the whole
19 truth and nothing but the truth in the cause
20 aforesaid; that the testimony then given by said
21 witness was reported stenographically by me in the
22 presence of the said witness remotely via
23 videoconference, and afterwards reduced to typewriting
24 by Computer-Aided Transcription, and the foregoing is
25 a true and correct transcript of the remote

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1 videoconference testimony so given by said witness as
2 aforesaid.
3 I further certify that the signature to the
4 foregoing deposition was reserved by counsel for the
5 Deponent. I further certify that the taking of this
6 deposition was pursuant to Notice, and that there were
7 present via videoconference at the deposition the
8 attorneys hereinbefore mentioned.
9 I further certify that I am not counsel for nor
10 in any way related to the parties to this suit, nor am
11 I in any way interested in the outcome thereof.
12 IN TESTIMONY WHEREOF: I have hereunto set my
13 hand and affixed my seal this 22nd day of January,
14 2025.
15 *Andrew R. Pitts*
16 _____
17 ANDREW R. PITTS, CSR, RPR
18 CSR, COOK COUNTY, ILLINOIS
19
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